

SUPPLEMENTAL AMENDMENT UNDER 37 C.F.R. § 1.116

Serial Number: 09/150,813

Filing Date: September 11, 1998

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be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 57 was dependent on claim 56, which was dependent on claim 54, which was dependent on independent claims 17, 20, 22 and 34. Claim 58 was dependent on independent claims 17, 20, 22 and 34, and claim 60 was dependent on claim 59, which was dependent on independent claims 17, 20, 22 and 34. In the Response filed on February 11, 2002, Applicant canceled the pending claims (claims 17, 20, 22, 34, 41-44 and 52-62) and added claims 63-74. However, in the Advisory Action dated March 28, 2002, the Examiner indicated that the amendments were not entered as they raised new issues that would require further consideration and/or search. With respect to new claims 65, 69 and 73, and new claims 66, 70 and 74, the Examiner asserted that a dosage form linked to a targeting moiety and a method to alter hematopoietic cell-associated activity to a tumor site, respectively, were new limitations. However, the Examiner is respectfully requested to consider that originally-filed claim 22 recited that the dosage form is linked to a site targeting moiety. Further, claims 66, 70 and 74 hereinabove recite a method to enhance or increase hematopoietic cell-associated activity, language which is found in originally-filed claim 34.

It is Applicant's position that claims 63-66, 67-70, and 71-74 are derived from and are commensurate in scope with claim 57, 58, and 60, respectively, as claims 57, 58 and 60 each recited one or more particular amino acid sequences. For example, as mentioned above, claim 57 was dependent on claim 56, which was dependent on claim 54, which was dependent on independent claims 17, 20, 22 and 34. Claim 54 was directed to a peptide of a CXC chemokine and claim 56 was directed to a CXC peptide of interferon inducible protein 10, platelet factor-4, stromal cell-derived factor-1 α , growth regulated oncogene- α , growth regulated oncogene- β , growth regulated oncogene- γ or epithelial neutrophil activating peptide-78. Claims 17, 20, 22 and 34 recited that a mammal was administered a peptide of a chemokine, a variant thereof, a derivative thereof, or a combination thereof, wherein the peptide comprises no more than 30 amino acid residues, wherein the peptide comprises residues X₁-Asp-Pro-X₂-X₃-X₄-Trp-X₅-Gln or consists of X₂-X₃-X₄ or Trp-X₅-Gln, wherein X₁ is Ala or Leu, X₂ is Lys, Ser or Thr, X₄ is Lys, Glu, Ser or Arg, X₅ is Val or Ile, and X₃ is any amino acid (claims 17, 20, 22 and 34), and wherein the peptide inhibits the response induced by at least one native chemokine (claims 17, 20

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and 22), e.g., the chemokine is not interleukin 8 (IL-8) or neutrophil activating protein-2 (NAP-2) (claim 17).

As claims 63-74 represent claims deemed allowable in the final Office Action, Applicant respectfully requests that claims 63-74 be entered and that notification that those claims are in condition for allowance be forwarded to Applicant's Representatives. The Examiner is invited to telephone Applicant's attorney at 612-373-6959 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Anne M. Richards
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4/11/02
Date